

Ahn, Hong Jin (LAW)

From: Gabriel Harvis <gharvis@elefterakislaw.com>
Sent: Monday, July 24, 2023 5:42 PM
To: Francolla, Brian (Law)
Subject: Re: [EXTERNAL] Hassab El Nabi

Thank you

Gabriel P. Harvis, Esq.

Partner / Co-Chair, Civil Rights Division

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From: Francolla, Brian (Law) <bfrancol@law.nyc.gov>
Date: Monday, July 24, 2023 at 5:41 PM
To: Gabriel Harvis <gharvis@elefterakislaw.com>
Subject: RE: [EXTERNAL] Hassab El Nabi

Sorry, been slammed on a few things and will send it within 30 minutes or so.

Brian Francolla
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From: Gabriel Harvis <gharvis@elefterakislaw.com>
Sent: Monday, July 24, 2023 5:38 PM
To: Francolla, Brian (Law) <bfrancol@law.nyc.gov>
Subject: Re: [EXTERNAL] Hassab El Nabi

Hi Brian,

Sorry to bug you but I have dinner at 7. Any chance you can send us the decl?

Thanks!
Gabe

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From: Francolla, Brian (Law) <bfrancol@law.nyc.gov>
Date: Monday, July 24, 2023 at 10:57 AM
To: Gabriel Harvis <gharvis@elefterakislaw.com>
Subject: RE: [EXTERNAL] Hassab El Nabi

Should have no issue with that timeline (if something comes up that changes that I'll let you know asap, but don't anticipate it).

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From: Gabriel Harvis <gharvis@elefterakislaw.com>
Sent: Monday, July 24, 2023 10:56 AM
To: Francolla, Brian (Law) <bfrancol@law.nyc.gov>
Subject: Re: [EXTERNAL] Hassab El Nabi

I appreciate the quick response. No worries on taking out the last paragraph. Any time this afternoon is fine to get it to us. Thanks again!

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From: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Date: Monday, July 24, 2023 at 10:50 AM

To: Gabriel Harvis <gharvis@elefterakislaw.com>

Subject: RE: [EXTERNAL] Hassab El Nabi

Hey Gabe,

Sorry to hear about your loss and all good re timing. I have a few things I need to handle this am first before I can just cross check a few of the paragraphs re timing with my own info. At first glance I think the only paragraph I may be inclined to remove is the last one. Reason being is that while it wasn't their work solely that influenced our decision to settle, I'm not sure I can say their work had zero to do with the process. Assuming paragraph 12 makes that point for you already I'd probably feel better about ending it there only to the extent I do end up being a witness in this in some capacity. But if you think that's essential we can talk it through a bit more and perhaps tweak it.

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From: Gabriel Harvis <gharvis@elefterakislaw.com>

Sent: Monday, July 24, 2023 10:37 AM

To: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Subject: Re: [EXTERNAL] Hassab El Nabi

Good morning Brian,

I hope all is well. I'm sorry it took me so long to get this together, my wife's grandmother ended up passing last week so I was in Cleveland. I am attaching a draft of the declaration for your review. If you have time to take a look, make any changes you want and send back this afternoon, I would really appreciate it. Our reply is due today. Happy to discuss. Thanks again!

Gabe

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From: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Date: Monday, July 17, 2023 at 2:34 PM

To: Gabriel Harvis <gharvis@elefterakislaw.com>

Subject: RE: [EXTERNAL] Hassab El Nabi

Hey Gabe,

Thank you and I did. Want to shoot me a quick call on the issue? I'm in the office until 430 or so.

And I wasn't able to read any of the recent filings since it's all ex parte. But basically if you need something from me to accurately reflect how things transpired that should be fine. Just curious how you envision putting it on the record, etc.

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From: Gabriel Harvis <gharvis@elefterakislaw.com>

Sent: Monday, July 17, 2023 1:59 PM

To: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Subject: Re: [EXTERNAL] Hassab El Nabi

Hi Brian,

I hope you had a nice trip. Can you please let me know once you've had the chance to discuss this issue with your office? I just want to keep it on your radar.

Thanks!
Gabe

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From: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Date: Wednesday, July 12, 2023 at 5:06 AM

To: Gabriel Harvis <gharvis@elefterakislaw.com>

Subject: Re: [EXTERNAL] Hassab El Nabi

All sounds good. Grazie Mille indeed, ha. Will touch base once back.

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From: Gabriel Harvis <gharvis@elefterakislaw.com>

Sent: Tuesday, July 11, 2023 1:57:35 PM

To: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Subject: Re: [EXTERNAL] Hassab El Nabi

In terms of timing we have until 7/24. I will speak to you when you get back. Enjoy the rest of your trip.

Sent from my iPhone

On Jul 11, 2023, at 6:33 AM, Gabriel Harvis <gharvis@elefterakislaw.com> wrote:

Grazie mille

Sent from my iPhone

On Jul 11, 2023, at 4:24 AM, Francolla, Brian (Law) <bfrancol@law.nyc.gov> wrote:

Hey Gabe, I'm happy to do so. I haven't had a chance to review any of it (I'm currently in Italy as I write), but from your description that's certainly not accurate. And while I kind of enjoy testifying, I'm sure my office would prefer to keep my on overly talkative self off of it. What's your timeline? I'm back stateside late on 7/13 and should be in office on 7/14. So by then or early the following week I can run it up the flagpole and assuming all good, we can quickly put something together. That work? And sorry you have to go through all this as it's all so unnecessary.

Brian

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From: Gabriel Harvis <gharvis@elefterakislaw.com>

Sent: Tuesday, July 11, 2023 4:15:47 AM

To: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Subject: Re: [EXTERNAL] Hassab El Nabi

Hi Brian,

I hope all is well. When you have the chance, can you please take a look at the opposition filed today in the fee dispute and consider/run up the flagpole putting in a declaration (it does not need to be tied to our reply)? I think your office will ok it because you have info and if the Court holds a hearing (which is totally unnecessary) you might potentially be called to testify so it makes sense to try and avoid. You will see when you look at the papers -they accuse me/us of being negligent/lazy in litigating the case and missing deadlines, letting discovery deadlines lapse, etc. Given that I put in all the emails showing how much work you and I put in handling the case, they are really out of line with this argument in my view and I would ask you to just correct the record about whether I/we dropped the ball and they needed to rescue the case and coax you into consenting to an extension despite my lapses or if you and I were working diligently on the case together, going through the plan, etc, and were on the same page that we would seek an extension etc. No worries at all if it is not feasible and I appreciate anything you can do.

Thanks!

Gabe

Sent from my iPhone

On Jun 13, 2023, at 12:43 PM, Francolla, Brian (Law)
<bfrancol@law.nyc.gov> wrote:

Hey Gabe,

Thanks and hope all is well with you. I've been keeping a general eye on things and did happen to review the attached transcript when it was previously filed since I was curious to what extent my actions, etc., would come into play. But thanks for forwarding. And yeah, let me know. If things get to the point where you want something from me I'd just need to get sign off first since it would be a fairly unique position to be in.

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From: Gabriel Harvis <gharvis@elefterakislaw.com>

Sent: Tuesday, June 13, 2023 12:30 PM

To: Francolla, Brian (Law) <bfrancol@law.nyc.gov>

Subject: [EXTERNAL] Hassab El Nabi

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Hi Brian,

I hope all is well. I'm not sure if you've been following it, but things have gotten a bit ratcheted up in the fee litigation. Depending on what substitute counsel ends up arguing in opposition later this month, I may ask you if you are comfortable signing a brief letter saying you reviewed the transcript from the conference we had before Judge Willis in January and concur with the Court's findings regarding the settlement conference and the settlement. Just wanted to give you a heads up and share the transcript with you in case it comes to that.... If they don't mischaracterize we may not end up asking.

Thanks!

Gabe

<image001.png>

HASSAB EL NABI V. TOCCO, ET
AL[75].pdf
dropbox.com

Sent from my iPhone

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